

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

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VANDANA BHANDARI,

Petitioner,

v.

SECRETARY OF HEALTH
AND HUMAN SERVICES,

Respondent.

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No. 11-632V

Special Master Christian J. Moran

Filed: February 3, 2014

Attorneys' fees and costs; award
in the amount to which
respondent does not object.

Clifford J. Shoemaker, Shoemaker and Associates, Vienna, VA, for Petitioner;
Althea W. Davis, U.S. Department of Justice, Washington, DC, for Respondent.

UNPUBLISHED DECISION¹

On January 30, 2014, respondent filed a stipulation of fact concerning final attorney's fees and costs in the above-captioned matter. Previously, on December 22, 2013, petitioner filed an application for \$20,507.17 in attorneys' fees and costs. In informal discussions, respondent raised objections to certain items in petitioner's application. Based on subsequent discussions, petitioner amended her application to request \$18,643.98, an amount to which respondent does not object. The Court awards this amount.

On October 3, 2011, Vandana Bhandari filed a petition for compensation alleging that the trivalent influenza ("flu") vaccine, which she received on October 25, 2010, caused her to sustain the first symptom or manifestation of the onset of acute disseminated encephalomyelitis ("ADEM"). Petitioner received

¹ The E-Government Act of 2002, Pub. L. No. 107-347, 116 Stat. 2899, 2913 (Dec. 17, 2002), requires that the Court post this decision on its website. Pursuant to Vaccine Rule 18(b), the parties have 14 days to file a motion proposing redaction of medical information or other information described in 42 U.S.C. § 300aa-12(d)(4). Any redactions ordered by the special master will appear in the document posted on the website.

compensation based upon the parties' stipulation. Decision, filed June 26, 2013. Because petitioner received compensation, she is entitled to an award of attorneys' fees and costs. 42 U.S.C. § 300aa-15(e).

Petitioner seeks a total of **\$18,275.00** in attorneys' fees and costs for her counsel. Additionally, in compliance with General Order No. 9, petitioner states that she incurred **\$368.98** in out-of-pocket litigation expenses while pursuing this claim. Respondent has no objection to the amount requested for attorneys' fees and costs.

After reviewing the request, the Court awards the following:

A. A lump sum of \$18,275.00 in the form of a check made payable to petitioner and petitioner's attorney, Clifford J. Shoemaker, for attorneys' fees and other litigation costs available under 42 U.S.C. § 300aa-15(e).

B. A lump sum payment of \$368.98 in the form of a check payable to petitioner, Vandana Bhandari.

The Court thanks the parties for their cooperative efforts in resolving this matter. The Clerk shall enter judgment accordingly.²

Any questions may be directed to my law clerk, Mary Holmes, at (202) 357-6353.

IT IS SO ORDERED.

s/Christian J. Moran
Christian J. Moran
Special Master

² Pursuant to Vaccine Rule 11(a), the parties can expedite entry of judgment by each party filing a notice renouncing the right to seek review by a United States Court of Federal Claims judge.